

REMARKS

The Office has required restriction in the present application as follows:

Species I (appears to read on Claims 1-4) directed to Figures 1A-1F and

Species II (appears to read on Claims 5-8) directed to Figures 2A-2E.

Applicants elect, with traverse, Species II. Claims 5-8 read on the elected species.

Restriction is proper only if the inventions of the restricted groups are either independent or patentably distinct, and there is a burden in searching the entire application. MPEP §803.

Applicants respectfully traverse the Election of Species Requirement on the grounds that the Office has not provided any reasons, whatsoever, to support the conclusion of patentable distinctness. Rather, the Office has merely stated the conclusion.

Applicants make no statement regarding the patentable distinctness of the species, but note that for restriction to be proper there must be a patentable difference between the species as claimed. MPEP §808.01(a). The Office has not provided any reasons or examples to support a conclusion that the species are indeed patentably distinct, the Office has only stated that "there are no generic claims" (see July 25, 2005 Office Communication, page 2, ¶ 4). Accordingly, Applicants respectfully submit that the restriction is improper, and Applicants' election of species is for examination purposes only.

Applicants also respectfully submit that the Office has not shown that a serious burden exists in searching the entire application.

Finally, with respect to the elected species, Applicants respectfully submit that, should the elected species be found allowable, the Office should expand its search to the non- elected species.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Election of Species Requirement. Withdrawal of the Election of Species Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

A handwritten signature in black ink, appearing to read "Daniel R. Evans", is written over a horizontal line.

Daniel R. Evans, Ph.D.
.Registration No. 55,868